

Natural Resource Trustee Meeting

November 7, 1991

The Natural Resource Trustee Meeting was held in the T130I Conference Room 67 from 1:00 p.m. to 3:30 p.m.

The attendees were as follows:

Frazer R. Lockhart, DOE/RFO
Melody Karol, DOE/RFO
Jake Vreeland, DOE/RFO
Paul Bunge, EG&G/RF
Gary Baughman, CDH
Lee Carlson, USFWS
David Shelton, CDH

Robert Stewart, DOI
Tom Jackson, USFWS
Tom Looby, CDH
Kay Kischlen, CDH
Dan Miller, AG
Ron Cattany, CDNR

Frazer Lockhart: Requested attendees to introduce themselves. After introductions were made, he requested any comments, changes or additions to be added to the current agenda.

Dan Miller: There were no changes wanted as this time, but they might throw in a few curves on the subjects as they go along.

I.

Frazer Lockhart: Referred to Overview of NRDA Process flowchart, opening discussion. He explained the dual role, as shown in the overview, of remediation and restoration.

Robert Stewart: Would like to see DOE focus on good environmental remediation towards good safe clean-up. Use natural resource damage assessment for enhancement of remediation programs.

II.

Question on agenda: How far into the NRDA process should we go during the CERCLA RI/RCRA RFI process?

Tom Looby: There must be data gathering to determine the process.

Robert Stewart: Need to be more specific on what NRDA needs for remediation.

Frazer Lockhart: Explanation of the different needs of the different agencies (water, ecology, air, etc.)

Tom Jackson: Current problems are with remediation focus on only public health. Trustees have been neglected until remediation is necessary, when they should have been brought in earlier. There should be an ecological risk assessment done, but not in just the public health aspect. Much too often the trustees are notified after the resources are damaged, when it's too late.

ADMIN RECORD

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Robert Stewart: We have found many times the remediation cure to be worse than the disease. Concerns should be developed at the beginning of remedial actions.

Tom Jackson: You can design a remedial cure with nautral resource trustee considerations to help the disease.

Robert Stewart: What is the State's view? We must not only consider CERCLA regulations.

Tom Looby: Requested to go on through the items on the agenda before any more discussion on the subject.

Discussion moved to #1 - Perform pre-assessment screen individually at OUs.

Question on agenda: Should the CERCLA RI/RCRA RFI be conducted to satisfy the data requirements for the pre-assessment screen only?

Ron Cattany: We need to define the pre-assessment screen that we are discussing.

Robert Stewart: He doesn't know whether to call the data gathering a pre-assessment screen or not. It is only a means to an end. Ecological assessment is the information you need for the remedial process. It's premature to actually be conducting a pre-assessment screen.

Tom Looby: We're viewing that we will have a few more choices on down the road. To save money, when accomplishing remedial work, use the time to also conduct restoration a very cost effective technique.

David Shelton: There are circumstances where you may want to do remedial work off-site, not just on plant-site.

Ron Cattany: A monitoring site procedure should be developed where and when the remedial work is being done, so we, as trustees, can get the current data to enable us to tell the public of the status of the work. The trustees need to know the expected outcomes of the remedial actions.

Tom Jackson: Before you do the pre-assessment, you should put down your expectations.

Tom Looby: Are you planning to change the NRDA process? Please explain.

Frazer Lockhart: Explained that he doesn't want to change the damage assessment process, but modify it to accomplish the needs of all the agencies during the remedial processes, to the greatest extent possible.

During discussing #1, #2 was subsumed into discussion. (Protect and restore natural resources as part of remedial action.)

Next, #3 was discussed - Generate assessment plan individually at OUs for specific resources where the pre-assessment screen indicates that the potential exists for natural resource injury.

Robert Stewart: You're approaching remedial actions OU by OU, because in the IAG it's scheduled OU by OU.

Tom Jackson: There needs to be an ecological risk assessment before the remedy is determined. Look at the proposed remedial actions closely whether it's a spill or not.

Tom Looby: Doesn't understand what specific OUs are, could Frazer please explain.

Frazer Lockhart: Explained OUs 1, 2 and 3 and what they are (881 Hillside, 903 Pad, Offsite Areas, etc.).

Lee Carlson: Concerned, if you look at each OU, you need to look at the overall picture of how the action at OU1 will affect the other OUs, etc. What damages will occur.

Robert Stewart: Focus on the injuries that will occur elsewhere, on and off plant property.

Tom Jackson: Need a visual depiction of resources related to each OU, so trustees can discuss remedies proposed - who the players are, etc. Also, showing the status of each of the OUs.

Discussion moved to #4 - Conduct injury determination phase of a Type B Assessment per the Assessment Plan.

Question on the agenda: Should the CERCLA RI/RCRA RFI be conducted to satisfy the data requirements for the injury determination phase of a Type B Assessment?

Possible answers:

- 1) Yes, if the Pre-assessment Screen indicates that injury to a natural resource is probable and has been completed prior to the final RI/RFI Phase.
- 2) No, if DOE RFO plans to restore the resource to baseline conditions or other conditions defined by 43 CFR Part 11.62.

Robert Stewart: The information you collect will help conduct injury determinations, but he feels this subject is premature.

David Shelton: Things to consider: Cost effectiveness, timing on data collection (do the collecting later and it may not be there to collect), etc.

Robert Stewart: You will still need the baseline information (referring to "no" - No. 2 - on agenda), therefore, it makes sense to collect it early.

Discussion moved to #5 - The injury quantification phase of a Type B Assessment requires the determination of baseline services.

Question on agenda: 43 CFR Part 11.61 indicates that baseline services are not required in order to determine whether natural resource injury has occurred. Is this a proper interpretation or is it necessary to determine background conditions (or baseline services) for the various resources?

Some of the group didn't understand what baseline services were. Discussion followed to identify services as a feature of a resource that can be utilized by people such as water, fishing, hunting, etc.

Robert Stewart: Looked it up and read the definition of what the baseline services were for further clarity.

Ron Cattany: It's in everyone's best interest to have that baseline information to understand from the beginning of a remedial action to the finish, and to better defend trustee actions to the public.

Robert Stewart: Establishing the baseline is used to figure the amount of damages, usually it's done at the end, but it's much more cost effective to do it in the beginning.

Paul Bunge: Asked Robert Stewart if they had a plan in effect that could help EG&G staff do the remedial actions that are closely inter-related. Staff having difficult time with the inter-relationships of the OUs in completing the actions required, it's very complicated.

Robert Stewart: No plan, but we need to get our technical staff together to look at the overall picture, then we could probably come up with one.

Tom Jackson: Trustees need to communicate what their important priorities are, so it could help for our staff to come up with a plan for the inter-relationship with OUs.

David Shelton: This isn't as complicated as it really looks. As an example, you took Baughman and his staff on a tour with the experienced staff who works in the OUs everyday and have them explain to Baughman's staff the type of contaminants they are up against, then they could work together on coming to a mutual agreement on a better remedial process.

Jake Vreeland: If you're looking at the IAG as one process and the Natural Resource as one process, you should be looking at them both as one instead of keeping them separate. They need to be satisfied in an integrated manner.

Tom Jackson: If there is some recovery from damages, USFWS wants to be involved with the environmental restoration side of things.

Robert Stewart: Does it make sense to do some parallel environmental restoration planning during the clean-up? He thinks the trustees should give this some thought and discuss in the next meeting.

Break taken from 2:30 p.m. to 2:45 p.m.

III. Natural Resource Trustee Interagency Agreement

Lead trustee(s) need to be designated for the following natural resources:

- i) groundwater
- ii) surface water
- iii) geologic resources
- iv) biological resources
- v) air

Robert Stewart: In term of lead trustee, there have been coordination teams put together with other groups. Is it necessary to have a formal trustee agreement?

Frazer Lockhart: For mutual credibility to the public, we need some degree of formality. We need to maintain the lead and take comments from trustees or have a formal agreement.

Tom Looby: Where did you derive the need for DOE to lead?

Frazer Lockhart: Need comes from CERCLA designation of Federal agency as lead for CERCLA and also a Federal resource trustee. We wanted to put the topic on the table for discussion because of our existing IAG. If we start having comment periods with trustees, we need to establish schedules to keep within.

David Shelton: Still not clear on the lead role of the trustee. DOE can only be the decision-maker for RFO, but the state is the decision-maker of the resources around the outside of RFO.

Tom Looby: Wants time to think about if they want an agreement with us.

David Shelton: Would rather have protocols and work plans to follow than an IAG.

Tom Looby: The real need should be to have a mechanism that you reach a consensus between trustees.

David Shelton: We need to know what effort we are talking about before we go into an agreement.

Ron Cattany: Each one of the parties sit down and come to an agreement how their agency wants to be involved. Then collectively, all trustees, come to a large agreement.

Robert Stewart: Wait for technical personnel to attend risk assessment class, then find out what they have learned. Then discuss whether they want to have an agreement. Memorandum of Understanding has been used successfully at other locations.

Tom Jackson: There has to be a commitment from everyone for NRDA integration to work.

Frazer Lockhart: General consensus to consider the form and content of any agreement and commit to that at the next meeting. We have now finished with the items on the agenda, any questions or comments?

Tom Looby: Questioned PCB release notification letter that was sent out recently. Will there be a report coming out to further explain?

Frazer Lockhart: Explained in some detail about the letter and that a report had recently been sent out.

IV.

Select date/agenda for next quarterly meeting.

Next meeting date for the quarterly meeting was set for February 7, 1992 at 1:30 p.m. There was a request by several trustees that the next meeting be held off-site for easier entry. Lee Carlson offered to reserve their conference room for the February meeting, which is on Union Blvd. in Lakewood, adjacent to the Federal Center

There were several suggestions for work to be accomplished by the technical working group.

Tom Looby: Wants scoping of resources versus OUs before the trustees' next meeting.

David Shelton: Wants to know what needs to be done, wants an assessment from the personnel who are working on the OUs concerning the needs.

Jake Vreeland: Requested printed material used in today's meeting. Melody agreed to make copies and deliver to him by the following day.

3:30 p.m. - End of meeting.